IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.180 OF 2000.

The State of Maharashtra : Appellants.

versus

Shri Wamam Mhasu Deore : Respondent.

Mr.S.N.Gawade, AGP, for the State/Appellants.

None for the respondent.

CORAM : D.G.DESHPANDE,J.

DATED : 21st APRIL 2005.

ORAL ORDER

1. Heard the learned AGP for the State. Notice was served upon the respondent. He is absent. This appeal is filed by the State challenging the judgment of the Reference Court dated 12.8.97 in a reference under the Land Acquisition Act.

2. By notification dated 19.7.1986, 1 H 22 R land of the claimant/respondent was acquired.

The Special Land Acquisition Officer treated the land as Jirayat land and awarded compensation at the rate of Rs.15,300/- per hectare for cultivable land and Rs.200/- per hectare for 6R potkharaba land. Therefore, a reference came to be filed at the instance of the claimant. The Reference Court found that the classification of the land as Jirayat land was not proper, because the crops statements from 1982-83 to 1990-91 reveal that the claimant had taken crops from irrigation. So far as basic price is concerned, the claimant examined and proved Exhibit 22. It was in respect of 27R of land for Rs.57,000/- and after deducting Rs.7000/- as the price for 4/5 mango trees the court concluded that Rs.30000/- was the proper price. This sale deed was of 1984. The notification under Section 4 was two years after . Therefore, 10% escalation was awarded and the compensation was fixed at Rs.36,000/- per hectare. The reference court had not disturbed the rate in respect of potkharaba land. The approach of the reference Court is justice and proper. The compensation was rightly enhanced. Hence no interference is called. The appeal is dismissed. No order as to costs.

[D.G.DESHPANDE]

21/04/2005 JUDGE.